

REMARKS

Claims 3, 6-9, 11, 14, 17-20 and 22-29 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Abraham in view of Nickles and further in view of Bruins. This rejection is respectfully traversed.

Claims 3, 8, 14 and 19 are independent, and thus these claims will first be discussed.

Claim 3

Claim 3 is directed to a system for monitoring packets transmitted on a channel connecting an application server and an end-user of said application server to each other, comprising a certification server and a packet monitor device. The certification server comprises a first memory for storing a user management table and a second device which transmits a request to said packet monitor device. The certification server's first memory stores, among other information, identifiers (IDs) and passwords of end-users, "a monitoring parameter designating a packet to be monitored, and a threshold parameter designating a method of monitoring said packet." The packet monitor device comprises a fourth memory storing time of packet transmission, an analyzer monitoring a second time, and an annunciator make annunciations to end-users.

In the Office Action the Examiner asserts that Abraham's domain controller server 60, shown in Fig. 2, corresponds to the claimed certification server, and that Abraham's network server 50 corresponds to the claimed packet monitor device. The Examiner admits that Abraham does not disclose storing a password or a rule concerning whether a total number of received packets meets a monitoring parameter. The Examiner relies on Nickles and Bruins for teaching the features that are missing from Abraham.

Even if the references are combined as the Examiner asserts in the Office Action, the combination would not satisfy all the limitations of claim 3. Claim 3 expressly states that the certification server includes a first memory that stores certain information. Specifically, that claim recites the memory storing “a monitoring parameter designating a packet to be monitored,” and “a threshold parameter designating a method of monitoring said packet.” According to the Examiner, Abraham’s domain controller server 60 corresponds to the claimed certification server. However, Abraham neither teaches nor suggests that the domain controller server 60 has a memory that stores a monitoring parameter or a threshold parameters designating a method of monitoring a packet. To the contrary, the portions of Abraham relied upon in the Office Action for storing these parameters relate to the network server 50, not the domain controller server 60. Accordingly, even if the teachings of Abraham were modified by the teachings of Nickles and Bruins as asserted in the Office Action, the combination would not include a memory in the certification server that stores the claimed monitoring parameter or the threshold parameter.

Further, Abraham neither teaches nor suggests that the filter executive 76 which is part of the network server 50, as shown in Fig. 4, receives a request from the domain controller server 60 upon with the filter executive 76 monitors packets, as required by claim 3. Abraham does not teach or suggest the domain controller server 60 sending any such request to the network server 50. Accordingly, this limitation of claim 3 also is absent from the asserted combination.

More specifically, the Examiner cites col. 1, lines 13-17 and col. 7, lines 51-67 as disclosing a packet monitor device which, on receipt of a request from the certification server, monitors packets transmitted on a channel. According to the specification of Abraham, col. 7, lines 51-67 disclose a filter executive 76 which is responsible for loading, optimizing, and providing rules to a filter engine 78. Further, the filter engine 78 filters all IP packets in a

network server based on each user. However, this portion of Abraham does not disclose that the filter executive monitors packets based on the receipt of a request from the domain controller server. To the contrary, the filter engine 78 filters all IP packets passing through a network server.

Therefore, claim 3 is patentable over the cited references, and Applicant respectfully requests that the Examiner withdraw this rejection. Claims 6-7, 25-30 are patentable at least by virtue of their relative dependency on claim 3.

Claim 8

Claim 8 is directed to a method of monitoring packets transmitted on a channel connecting an application server and an end-user of said application server to each other, similar to the apparatus claim 3. Claim 8 recites acquiring the monitoring parameter from a certification server. Claim 8 is patentable for at least the reasons claim 3 is patentable. Further, claims 9, 11 and 23 are patentable by virtue of their dependency on claim 8.

Claim 14

The Examiner rejects claim 14-18 for the same reasons as claims 3, 6 and 7. Applicant submits that these claims are patentable for at least the reasons claims 3, 6 and 7 are patentable, and Applicant respectfully requests that the Examiner withdraw these rejections. Claims 17 and 18 are patentable at least by virtue of their dependency on claim 14.

Claim 19

The Examiner rejects claims 19 and 20 for the same reasons as claims 8 and 9. Claim 19 recites acquiring the monitoring parameter from a certification. Claims 19 and 20 are patentable for the same reasons as claims 8 and 9. Claims 22 and 24 are patentable by virtue of their dependency on claim 19.

Claim 30 is rejected under 35 U.S.C. § 103(a) as unpatentable over Abraham and Nickles in view of Applicant's admitted prior art. This rejection is respectfully traversed.

Claim 30

The Examiner rejects claim 30 under 35 U.S.C. § 103(a) as being unpatentable over Abraham and Nickles, in view of Applicant's allegedly admitted prior art (AAPA).

The Examiner admits that Abraham does not disclose services provided for a fee. The Examiner references AAPA as disclosing that service provider typically employ service fees for using the Internet and email. Thus, the Examiner concludes, it would have been obvious to charge for the services, as fees are a valuable way for service providers to make a profit. However, the Examiner does not address the recitation in claim 30 itself, namely that the service identifier of claim 3 comprises data for identifying a service provided for a fee.

Thus, while the AAPA does disclose that service providers may charge fees, such as in a measured rate fee system, those systems do not address the problems with charging fees determined only in accordance with data transmitted through a channel, such as having to pay for control information, but not knowing that control information is transmitted. The AAPA does not disclose anywhere that a service identifier would comprise data for identifying a service provided for a fee, because it only measures fees based on a mechanical count of data.

With regard to Nickles, the Examiner does not cite a specific portion of the reference which teaches or suggests the recitation of claim 30. Nickles is not directed to metered systems, nor is Nickles directed towards charging fees based on packets. Particularly, Nickles does not teach or suggest a service identifier which comprises data for identifying a service provided for a fee.

Therefore, claim 30 is patentable over the cited references and Applicant respectfully requests that the Examiner withdraw this rejection.

In view of the foregoing, it is respectfully submitted that claims 3, 6-9, 11, 14, 17-20 and 22-30, being all the claims presently in the application are patentable and are otherwise in condition for allowance. It is therefore respectfully requested that the application be passed to issue at the earliest possible time.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call the undersigned at the Washington, D.C. telephone number listed below to discuss steps necessary for placing the application in condition for allowance.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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